

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED 4/11/11

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No.: 21 MC 102(AKH)

THIS DOCUMENT APPLIES TO ALL LOWER
MANHATTAN DISASTER SITE LITIGATION

STIPULATION OF DISCONTINUANCE AS
TO DEFENDANT, 75 BROAD LLC, ONLY
FOR THE CASES LISTED IN THE
ATTACHED "EXHIBIT A"

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties in the cases listed in the attached exhibit, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendants, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant 75 BROAD LLC, only as to the claims being made as to the premises located at 75 Broad Street, New York, New York for the cases listed in the attached exhibit shall be and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the court of the litigation which determines that 75 BROAD LLC, are proper parties to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
March 30, 2011

McGIVNEY & KLUGER, P.C.
Attorneys for Defendants
JEMB REALTY CORP. and 75 BROAD LLC

GREGORY J. CANNATA, ESQ.
Attorneys for Plaintiff

By: 

Richard E. Loh (REL-2123)
80 Broad Street, 23rd Floor
New York, New York 10004
(212) 509-3456

By: 

Gregory J. Cannata (GC-1898)
233 Broadway, 5th Floor
New York, New York, 10279
(212) 553-9206

TO ORDER 4/8/11

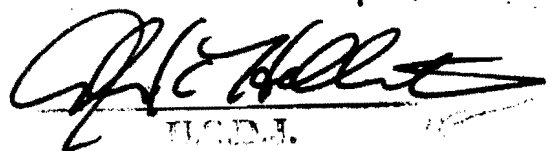

J.C.M.

EXHIBIT A

PLAINTIFF'S NAME	INDEX NUMBER	DOCKET NO.
Noel Velez	10-CV-6869	21 MC 102